

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12474 of Exxon Company, USA, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 5101.41 to permit modifications to a gasoline station in the C-1 District at the premises 2125 Alabama Avenue S.E., (Square 5892, Lot 124).

HEARING DATE: September 21, 1977

DECISION DATE: November 2, 1977

FINDINGS OF FACT:

1. The subject property is located at the intersection of Alabama Avenue and 22nd Street, S.E. and is known as 2125 Alabama Avenue, S.E. It is in a C-1 District.

2. The area of the site is 21,581.51 square feet and is improved with an existing gasoline station which covers approximately 2,380 square feet in area.

3. The existing station has three service bays. There are two islands with a total of nine gas dispensers. The rear portion of the site is undeveloped and contains trees and vegetation.

4. The subject station operates under Certificate of Occupancy No. B47529, issued May 29, 1959 pursuant to BZA Order No. 5202.

5. Although the subject station has three service bays and could operate as a full service facility, it has been operating as a self-service gas station only since November 16, 1976 when the service bays were shut down.

6. Plans submitted indicate the following changes are proposed to be made:

- (a) Installation of an employees restroom in the existing structure.

- (b) Modification of the eastern and southeastern wall of the existing structure to install an air conditioned cashier's counter to be secured with a bullet resistant shield.
- (c) Installation of intercom system.
- (d) Paint existing bay doors.
- (e) Installation of artificial plant boxes in front of bay doors.
- (f) Remove the two existing pumps island with nine dispensers; replace with two new pump islands and eight dispensers.
- (g) Remove existing concrete mat and install new concrete mat and new asphalt driveway.
- (h) Install 1500 square foot canopy with self service sign.
- (i) Clear all debris from the entire lot and bordering traffic ways.

7. No portion of the existing gasoline station use is located within twenty-five feet of a residential district. The uses in the square which are immediately adjacent to the gasoline station are all commercial.

8. No vehicular entrance or exit is connected with the street at points closer than twenty-five feet to any residential district.

9. No driveway of any entrance or exit is located any closer than twenty-five feet to a street intersection, measured from the intersection of the curb lines extended.

10. The modifications will not generate additional traffic and the relocation of the pump islands will improve access to and circulation within the station. The installation of the canopy will permit the station to protect customers from the elements.

11. The proposed canopy will have low profile indirect lighting which will not be visible outside the commercial area.

12. Existing grease pits and hoists are located within the service building.

13. The Department of Transportation by report dated September 15, 1977, raised no objection to the proposed special exception.

14. The Municipal Planning Office, by report dated September 14, 1977, recommended that the application be approved only upon a showing that the station has been converted to a self-service operation before Act 1-123 became effective. Such evidence is contained in the record.

15. No opposition to the application was registered at the public hearing.

16. ANC - 8B filed no report on this application.

17. The District of Columbia Council has passed a law, cited as the Retail Finance Station Act of 1976 (Law 1-123) Section 5-301 of which prohibits full service retail service stations from being converted to a non-full service facility until January 1, 1979. This law became effective on April 19, 1977.

CONCLUSIONS OF LAW AND OPINION

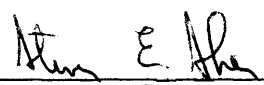
The Board concludes that in this application for a special exception, the applicant has demonstrated that it meets all of the conditions specified in both Paragraph 5101.41 and the relevant portions of Article 74. The Board further concludes that the physical changes proposed in the application will not change the present operational characteristics of the station, and that the services provided by the station will be the same as those provided for the last year. The Board concludes that the moratorium provisions of Law 1-123 are not applicable in this particular service station, since this station was not operating as a full service facility on the effective date of the law. In so concluding, in regard to this application, the Board takes no position on the question of whether the provisions of Law 1-123 are applicable to BZA proceedings. The Board concludes that the granting of the requested exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with those Regulations and Maps. It is therefore ORDERED that the application is GRANTED.

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VOTE: 4-0 (John G. Parsons, William F. McIntosh, Chloethiel Woodard Smith and Leonard L. McCants to grant, Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED By: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 30 DEC 1977

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.